

1 JOHN BERMAN,

2 Plaintiff,

3 v.

4 OPENTV CORP., LIBERTY MEDIA  
5 CORPORATION, WINK  
6 COMMUNICATIONS, INC., and DOES 1-30

7 Defendants.

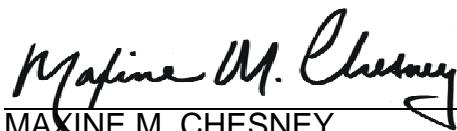
8 No. C-09-4065 MMC

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10 **ORDER VACATING OCTOBER 8, 2010  
11 HEARING ON PLAINTIFF'S MOTION TO  
12 REMAND; PLAINTIFF'S ALTERNATIVE  
13 MOTION TO CONSIDER FIRST  
14 AMENDED COMPLAINT FOR  
15 JURISDICTION DETERMINATION AND  
16 REMAND; DEFENDANTS' MOTION FOR  
17 PARTIAL SUMMARY JUDGMENT**

18 Before the Court are plaintiff's Motion to Remand, plaintiff's Alternative Motion to  
19 Consider First Amended Complaint for Jurisdiction Determination and Remand, both filed  
20 September 3, 2010, and defendants OpenTV Corp., Liberty Media Corp., and Wink  
21 Communications, Inc.'s Motion for Partial Summary Judgment, filed August 30, 2010.  
22 Having read and considered the papers filed in support of and in opposition to the motions,  
23 the Court deems the matters suitable for decision thereon, and VACATES the hearings  
24 scheduled for October 8, 2010.

25 **IT IS SO ORDERED.**

26 Dated: October 6, 2010

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MAXINE M. CHESNEY  
United States District Judge